

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CASE NO. 4:17-CR-293-BSM-45

MARCUS O. MILLSAP

DEFENDANT

**DEFENDANT’S MOTION TO DISMISS SECOND SUPERSEDING INDICTMENT FOR
VIOLATION OF THE INTERSTATE AGREEMENT ON DETAINERS ACT**

Comes now the defendant Marcus O. Millsap, by and through his undersigned attorneys, and for his Motion to Dismiss the Second Superseding Indictment for Violation of the Interstate Agreement on Detainers Act states:

1. The Government has failed to bring defendant Millsap to trial within 120 days, as required by Section 2, Article IV of the Interstate Agreement on Detainers Act, 18 U.S.C. § APP. 2 (hereinafter the “IADA”).
2. Consequently, the IADA mandates that the Second Superseding Indictment (ECF No. 1058) against Defendant Millsap be dismissed. IADA § 2 Art. V(c).
3. The facts and circumstances of the case warrant dismissal with prejudice. *See* IADA § 9 (1).
4. In furtherance of this Motion, Defendant Millsap submits his Memorandum Brief in Support and Exhibits 1 through 3, which are filed contemporaneously herewith and incorporated herein.

WHEREFORE, Defendant Marcus O. Millsap prays that the Court enter an Order granting his Motion in all respects, dismissing the Second Superseding Indictment (ECF No. 1058) against him with prejudice, or in the alternative without prejudice, and for all other just and proper relief to which he may be entitled.

RESPECTFULLY SUBMITTED,

LAWS LAW FIRM, P.A.
Attorneys for Defendant
P.O. Box 3000
Russellville, AR 72811
Phone: (479) 968-1168

BY: Hugh R. Laws Ark. Bar No. 88129
hlaws@lawslawfirm.com

GIBSON & KEITH, PLLC
Attorneys for Defendant
P.O. Drawer 447
Monticello, AR 71657
Phone: (870) 367-2438
Fax: (870) 367-8306

BY: Lee D. Curry Ark. Bar No. 2014153
ldc@gibsonkeithlaw.com